

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REC SOFTWARE USA, Inc.,

Plaintiff,

v.

HTC AMERICA, INC., a Washington
corporation et al.,

Defendants.

No. 2:14-CV-1025 MJP

Consolidated with Non-Lead Case Nos.
2:14-CV-1048-MJP; 2:14-CV-1050-MJP;
2:14-CV-1053-MJP; 2:14-CV-1056-MJP;
2:14-CV-1059-MJP; 2:14-CV-1060-MJP;
2:14-CV-1062-MJP

**DECLARATION OF JULIA KROPP IN
SUPPORT OF DEFENDANTS' MOTION
TO STRIKE PLAINTIFF REC
SOFTWARE USA, INC.'S
INFRINGEMENT CONTENTIONS**

**NOTE ON MOTION CALENDAR:
February 6, 2015**

Pursuant to 28 U.S.C. § 1746, Julia F. Kropp hereby declares as follows:

1. I am an attorney with Farella Braun + Martel LLP, which represents Defendants Dell Inc., and Dell Products L.P. in this action. I have personal knowledge or have conducted a reasonable investigation of the facts set forth herein and am competent to testify therein. I make this declaration in Support of Defendants' Motion to Strike Plaintiff REC Software USA, Inc.'s Infringement Contentions.

*Declaration of Julia Kropp in Support of Defendants'
Motion to Strike Infringement Contention
(2:14-cv-01025-MJP) - 1*

HILLIS CLARK MARTIN & PETERSON P.S.
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745
Facsimile: (206) 623-7789

1 2. Attached as Exhibit 1 is a true and correct copy of Plaintiff REC Software USA,
2 Inc.'s Disclosure of Asserted Claims and Infringement Contentions dated November 7, 2014 and
3 served upon Defendants Dell Inc. and Dell Products L.P.

4 3. Attached as Exhibit 2 is a true and correct copy of a letter dated November 21,
5 2014 from Ryan McBrayer to Tim DeJong.

6 4. Attached as Exhibit 3 is a true and correct copy of a letter dated December 4, 2014
7 from Eugene Mar to Tim DeJong.

8 5. Attached as Exhibit 4 is REC Software USA, Inc.'s Clarification, Amendment,
9 and Supplement Regarding Its Disclosures of Asserted Claims and Infringement Contentions
10 dated January 14, 2015.

11 6. Attached as Exhibit 5 is a true and correct copy of a letter dated September 26,
12 2014 from Ryan McBrayer to Tim DeJong.

13 7. I have been informed by Everett Upshaw, counsel for defendant ZTE, that he has
14 conducted a computerized and visual comparison of Appendix A attached to each moving party's
15 Infringement Contentions. Mr. Upshaw has informed me that Appendix A attached to each
16 moving party's Infringement Contentions is identical.

17 8. Attached as Exhibit 6 is a true and correct copy of documents produced by REC
18 that were referenced in Appendix B to REC's Infringement Contentions, bearing production
19 numbers REC_DEL_AeroATT_000248-253, REC_DEL_VENUENoC_0000184-190,
20 REC_DEL_Strk7TMob_0000223-230, REC_DEL_Strk7NoC_0000005-0000009, and
21 REC_DEL_Strk5ATT_0000005-11.

22 9. On January 9, 2015, counsel from Dell (James Morando and Julia Kropp) and
23 Motorola (Christina McCullough) participated in a call to meet and confer with plaintiff's
24
25
26
27
28

1 counsel Tim DeJong regarding the deficiencies identified in Motorola's November 21, 2014 and
2 Dell's December 4, 2014 correspondences. The meet and confer efforts led to REC's withdrawal
3 of its joint infringement and doctrine of equivalents claims as shown in Exhibit 4. However,
4 REC did not withdraw or amend any of the other deficiencies that are the subject of Defendants'
5 Motion. Dell and REC also exchanged follow-up correspondence on January 9 and 12, 2015
6 regarding REC's infringement contentions, but the parties reached an impasse on the other issues.
7

8 I hereby declare, under penalty of perjury under the laws of the United States of America,
9 that the foregoing is true and correct.
10

11 DATED this 22nd day of January, 2015, at San Francisco, California.

12 s/Julia F. Kropp

13 Julia F. Kropp

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of January, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Timothy S. DeJong	tdejong@ssbls.com. abuck@ssbls.com
Jacob S. Gill	jgill@stollberne.com. jsloan@stollberne.com
Robert Alan Shlachter	rschlachter@stollberne.com
Derek Linke	linke@newmanlaw.com, docketing@newmanlaw.com, sarah@newmanlaw.com
Keith P. Scully	keith@newmanlaw.com, charlotte@newmanlaw.com, docketing@newmanlaw.com; sarah@newmanlaw.com
Kevin L. Russell	kevin@chernofflaw.com,
Stellman Keehnel	stellman.keehnel@dlapiper.com, patsy.howson@dlapiper.com
Jeffrey M. Thomas	jthomas@gordontilden.com, chudson@gordontilden.com
Franklin Dennis Cordell	fcordell@gordontilden.com, jlucien@gordontilden.com
James W. Morando	JMorando@fbm.com, Calendar@fbm.com, bheuss@fbm.com
John H. Jamnback	jjamnback@yarmuth.com, sstephens@yarmuth.com
Gregory F. Wesner	wesnerg@lanepowell.com, brownj@lanepowell.com, docketing-sea@lanepowell.com
Molly A. Terwilliger	mollyt@summitlaw.com, deniseb@summitlaw.com, kristeno@summitlaw.com
Ryan McBrayer	RMcBrayer@perkinscoie.com, NReynolds@perkinscoie.com, docketsea@perkinscoie.com

1	Enoch H. Liang	Enoch.Liang@ltlattorneys.com,
2		Francine.McGinity@ltlattorneys.com
3	Lauren Sliger	lauren.sliger@ltlattorneys.com,
4		edgar.martinez@ltlattorneys.com
5	Tiffany Scott Connors	connorst@lanepowell.com, docketing-
6		SEA@lanepowell.com,
7		hooperl@lanepowell.com, sheaffers@lanepowell.com
8	Andrew Ramiro Escobar	andrew.escobar@dlapiper.com,
9		karen.hansen@dlapiper.com
10	Asa Wynn-Grant	asa.wynngrant@diapiper.com
11	Brent Yamashita	brent.yamashiita@dlapiper.com
12	Julia Donna	Woog.jwoog@yarmuth.com, kkennedy@yarmuth.com
13	Michael J. Engle	MEngle@perkinscoie.com, mheap@perkinscoie.com
14	Colin Barry Heideman	2cbh@knobbe.com, colin.heideman@knobbe.com,
15		litigation@knobbe.com
16	Frank A. DeCosta	frank.decosta@finnegan.com,
17		raymond.smith@finnegan.com, seth.katz@finnegan.com,
18		travis.smith@finnegan.com
19	Forrest A. Jones	forrest.jones@finnegan.com,
20		raymond.smith@finnegan.com,
21		seth.katz@finnegan.com, travis.smith@finnegan.com
22	Christopher M. Kurpinski	christopher.kurpinski@finnegan.com,
23		raymond.smith@finnegan.com, seth.katz@finnegan.com,
24		travis.smith@finnegan.com
25	John Mulcahy	john.mulcahy@finnegan.com
26	Scott D Stimpson	sstimpson@sillscummis.com
27	Vincent M. Ferraro	vferraro@sillscummis.com
28	David C. Lee	dlee@sillscummis.com
	Katherine M. Lieb	klieb@sillscummis.com

*Declaration of Julia Kropp in Support of Defendants'
Motion to Strike Infringement Contention*
(2:14-cv-01025-MJP) - 5

HILLIS CLARK MARTIN & PETERSON P.S.
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745
Facsimile: (206) 623-7789

Irfan A Lateef	irfan.lateef@knobbe.com, Litigation@knobbe.com
Kendall M Loebbaka	Kendall.Loebbaka@knobbe.com, Litigation@knobbe.com
Jacqueline M. Lee	jacquelinelee@everettupshaw.com, contact@everettupshaw.com
Christina J McCullough	CMcCullough@perkinscoie.com, DocketSEA@perkinscoie.com, ypoletaeva@perkinscoie.com
Erik Fuehrer	erik.fuehrer@dlapiper.com, christine.kunis@dlapiper.com
John H. McDowell	johnmcdowell@andrewskurth.com, debbiereese@andrewskurth.com
James V. Mahon	jamesmahon@andrewskurth.com
Benjamin J. Setnick	bensetnick@andrewskurth.com, debbiereese@andrewskurth.com
Everett McClyde Upshaw	everettupshaw@everettupshaw.com, contact@everettupshaw.com
Kyle M. Amborn	KAmborn@perkinscoie.com

DATED this 22nd day of January, 2015, at Seattle, Washington.

By s/Eric D. Lansverk
Eric D. Lansverk, WSBA #17218
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745
Facsimile: (206) 623-7789
E-Mail: eric.lansverk@hcmp.com

ND: 16692.019 4837-4000-1057v1